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ALEXANDER YAROSHINSKY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CONNETICS CORPORATION
SECURITIES LITIGATION

This Document Relates To:

ALL ACTIONS.

CASE NO. 3:07-cv-02940-SI

CLASS ACTION

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ALEXANDER
YAROSHINSKY'S REPLY IN SUPPORT
OF MOTION TO DISMISS PLAINTIFF'S
SECOND AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT**

Date: August 15, 2008
Courtroom: 10
Time: 9:00 a.m.

Judge: Honorable Susan Illston

I. INTRODUCTION

Pursuant to the Federal Rules of Evidence Rule 201 (“Rule 201”), Defendant Alexander Yaroshinsky hereby requests that this Court take judicial notice of the documents identified below in support of Dr. Yaroshinsky’s Reply in Support of Motion to Dismiss Plaintiff’s Second Amended Class Action Complaint.

II. JUDICIAL NOTICE IS APPROPRIATE

Rule 201 allows a court to take judicial notice of a fact “not subject to reasonable dispute in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Dr. Yaroshinsky requests judicial notice of (i) the court’s Order dated July 10, 2008 in *Middlesex Ret. Sys. v. Quest Software Inc.*, Case No. CV 06-6863 DOC (RNBx) (C.D. Cal.); (ii) portions of the Second Amended Complaint in *Middlesex Ret. Sys. v. Quest Software Inc.*, Case No. CV 06-6863 DOC (RNBx) (C.D. Cal.), filed on January 18, 2008, and (iii) portions of the Amended and Consolidated Class Action Complaint in *In re Cendant Corp. Litig.*, Case No. CIV.A. 98-1664 (D.N.J.), filed on December 14, 1998. A court may take judicial notice of its own records in other cases, as well as the records of another court in other cases. *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980). Therefore, judicial notice of these items is appropriate.

III. REQUEST FOR JUDICIAL NOTICE

Based on the above and pursuant to Rule 201, Dr. Yaroshinsky hereby requests that the Court take judicial notice of the following documents in ruling on his motion to dismiss:

1. The Order (1) Granting in Part and Denying in Part Defendants’ Motion to Dismiss Second Amended Complaint; (2) Ordering Discovery, *Middlesex Ret. Sys. v. Quest Software Inc.*, Case No. CV 06-6863 DOC (RNBx) (C.D. Cal. July 10, 2008), attached hereto as Exhibit A.

2. Excerpts of the “Second Amended Complaint” in *Middlesex Ret. Sys. v. Quest Software Inc.*, Case No. CV 06-6863 DOC (RNBx) (C.D. Cal.), filed on January 18, 2008, attached hereto as Exhibit B.

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3. Excerpts of the “Amended and Consolidated Class Action Complaint on Behalf of Purchasers and Acquirers of All Cendant Corporation and CUC International, Inc. Publicly Traded Securities Except Prides” in *In re Cendant Corp. Litig.*, Case No. CIV.A. 98-1664 (D.N.J.), filed on December 14, 1998, attached hereto as Exhibit C.

Respectfully submitted,

Dated: July 18, 2008

DLA PIPER US LLP

By /s/ Gerard A. Trippitelli
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